



UNITED STATES OF AMERICA
DEPARTMENT OF TRANSPORTATION
OFFICE OF THE SECRETARY
WASHINGTON, DC

Issued by the Department of Transportation on January 25, 2007

NOTICE OF ACTION TAKEN – DOCKET OST-2007-27069

This document serves as notice to the public of the action described below, by the Department official indicated (no additional confirming order will be issued in this matter).

Application of **Northwest Airlines, Inc. (Northwest)**, filed 1/23/07, for allocation of one U.S.-China all-cargo frequency for services between the United States and points in China Zone 1.¹

Motion of **Northwest**, filed 1/23/07, for shortened answer date.

Applicant Rep: **Alexander Van der Bellen (202) 842-8184**

DOT Analyst: **Robert J. Finamore (202) 366-2405**

DISPOSITION

XX Granted (frequency allocation)²

XX Dismissed, as moot (Northwest motion for shortened answer date)

The above action was effective when taken: **January 25, 2007**. Under the terms of the June 18, 2004 Protocol amending the U.S.-China aviation agreement, this frequency becomes available for use on March 25, 2007. The allocation of this frequency will remain in effect indefinitely, subject to conditions.

Action taken by: Paul L. Gretch, Director, Office of International Aviation

XX The authority granted is consistent with the aviation agreement between the United States and the People's Republic of China.

Except to the extent exempted or waived, this authority is subject to the terms, conditions, and limitations indicated:

XX Northwest's certificates of public convenience and necessity

Remarks: We note that the allocation of this U.S.-China all-cargo frequency to Northwest Airlines is without prejudice to any current or future legal positions that the United States may take in regard to the U.S.-China aviation agreement.

Conditions: Consistent with our standard practice, the frequency allocated here is subject to our standard 90-day dormancy condition, wherein any frequency not operated for a period of 90 days (once inaugurated), will be deemed dormant and the allocation as to that frequency will expire automatically and the frequency will revert to the Department for reallocation.

¹ Northwest notes that following the Department action allocating available 2007 all-cargo frequencies in the U.S.-China market, there are three all-cargo frequencies available and as yet unallocated for services beginning March 25, 2007. (See Notice of Action Taken in Docket OST-2006-25275, dated August 24, 2006.)

² The Department is acting on Northwest's application prior to the expiration of the 15-day answer period with the consent of all parties served.

In addition, consistent with our standard practice in awarding frequencies, we will require that Northwest inaugurate service within 10 days of March 25, 2007 (*i.e.*, by April 4, 2007). Any frequency not inaugurated by April 4, 2007, will revert to the Department.³ Should Northwest conclude that because of unforeseen circumstances it needs additional time to start up service for this frequency, it must seek our leave in the form of a timely-filed formal request for waiver of the start-up condition.⁴ Such a request must be served on all interested parties.

Under authority assigned by the Department in its regulations, 14 CFR Part 385, we found that (1) our action was consistent with Department policy; (2) grant of the authority was consistent with the public interest; and (3) grant of the authority would not constitute a major regulatory action under the Energy, Policy and Conservation Act of 1975. To the extent not granted, we denied all requests in the referenced Docket. We may amend, modify, or revoke the authority granted in this Notice at any time without hearing at our discretion.

Persons entitled to petition the Department for review of the action set forth in this Notice under the Department's regulations, 14 CFR §385.30, may file their petitions within seven (7) days after the date of issuance of this Notice. This action was effective when taken, and the filing of a petition for review will not alter such effectiveness.

An electronic version of this document is available on the World Wide Web at:

http://dms.dot.gov/reports/report_aviation.asp

³ In allowing an additional 10 days to institute service using the newly allocated frequency, we expect usage of that frequency by April 4, 2007.

⁴Should a waiver of the start-up condition be requested, we would expect to receive it 30 days before the required April 4, 2007 start-up date.